

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDREA J. NUSSINOW,
Plaintiff,

vs.

COUNTY OF COLUMBIA, RONALD
PEREZ as President of the Columbia-Greene
Humane Society Inc., and in his individual
capacity, LEE DELISLE as Chief Investigator
for the Columbia-Greene Humane Society
Inc., and in his individual capacity, and
COLUMBIA-GREENE HUMANE SOCIETY
INC., doing business as the Columbia-Greene
Humane Society/SPCA,
Defendants.

Docket No.: 19-CV-00332 (TJM) (CFH)

**STIPULATION & ORDER OF
VOLUNTARY DISMISSAL WITHOUT
PREJUDICE AND IN FAVOR OF
DEFENDANT COUNTY OF COLUMBIA**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Andrea J. Nussinow ("Nussinow"), and Defendant, County of Columbia ("County Defendant"), in the instant civil action, all together "Stipulating Parties", that:

WHEREAS, none of the Stipulating Parties is an infant or incompetent person for whom a committee has been appointed;

NOW THEREFORE, the above entitled action be and the same, hereby, is voluntarily dismissed against the County Defendant, by Plaintiff, without prejudice, and not on the merits, and with the Stipulating Parties each bearing their own respective attorneys' fees, disbursements, and costs incurred in this action, and with the Stipulating Parties foregoing any application pursuant to FRCP Rule 54 for counsel fees, and;

The Stipulating Parties request that the Court "so order" the instant Stipulation & Order, and it is;

FURTHER STIPULATED AND AGREED, that: If Plaintiff, in her unfettered discretion, recommences the instant civil action no later than 60 days from the full and final termination of the criminal case captioned: PEOPLE v. Andrea Nussinow, now pending in the Town of Ghent Justice Court, and now alleging 35 counts of a violation of NYS Agriculture and Markets Law section 353 ("Criminal Case"), then:

1- The County Defendant shall not interpose in said recommenced civil action, the passage of time adversely to Plaintiff, including but not limited to interposing any and all Statute(s) of Limitation(s), Statute(s) of Repose, Latches, and untimely filing and service of any and all Notice(s) of Claim(s) defenses;

2- The provisions of FRCP Rule 41(d) shall be waived by the County Defendant, and not applied adversely to Plaintiff, and it is;

FURTHER STIPULATED AND AGREED, that: Any recommenced action as provided for, herein, shall not contain any claim previously dismissed by this Court upon motion of the County Defendant, and if Plaintiff fails to recommence as provided for, herein, within the time frame specified for such, herein, then this dismissal shall be deemed with prejudice, and on the merits, as regards the County Defendant only.

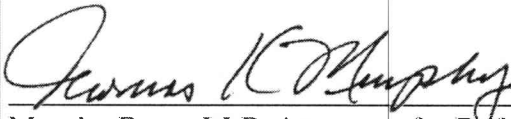
This Stipulation & Order may be filed without further notice with the Clerk of the Court. This Stipulation & Order may be executed and filed in counterparts, which when taken together shall equal the whole, and a facsimile signature shall be valid as a pen and ink signature.



X Date: February 24, 2022

Pascazi Law Offices PLLC, Attorneys for Plaintiff

Michael S. Pascazi, ESQ. 519478 NDNY



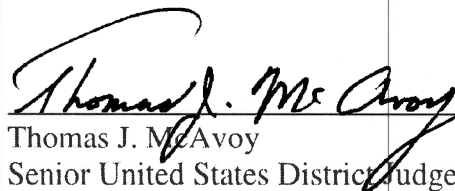
X Date: February 24, 2022

Murphy Burns LLP, Attorneys for Defendant, County of Columbia

Thomas K. Murphy, ESQ. Bar Roll No.: 505396

IT IS "SO ORDERED":

Dated: February 24, 2022



X

Thomas J. McAvoy
Senior United States District Judge